

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Newport News Division)**

JOHN CARVER

Plaintiff,

v.

THE FRESH MARKET, INC.

Defendant.

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Civil Action No.: 4:20-cv-00186

**NOTICE OF REMOVAL**

Defendant THE FRESH MARKET, INC., (“Fresh Market”), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court for the City of Newport News, Virginia (“Circuit Court”), to the United States District Court for the Eastern District of Virginia, Newport News Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Fresh Market states as follows:

1. There is pending in the Newport News Circuit Court, Virginia, a Complaint styled John Carver v. The Fresh Market, Inc., Case No. CL2005237T-01 (the “State Court Action”). The Complaint in the State Court Action was filed on or about November 2, 2020. A copy of the Complaint is attached hereto as **Exhibit A**.

2. Fresh Market was served with a copy of the Complaint in the State Court Action on November 17, 2020.

3. Fresh Market filed an Answer on December 3, 2020 in the Circuit Court, but no further proceedings have been had in the State Court Action. A copy of the above referenced responsive pleadings is attached hereto as **Exhibit B**.

4. This Notice of Removal is filed within thirty days of the date upon which Fresh Market first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Upon information and belief, Plaintiff is an individual residing in and a citizen of Virginia.

7. The Fresh Market, Inc. is incorporated under the laws of the State of Delaware with its principal places of business in Greensboro, NC.

8. Plaintiff's Complaint seeks damages from Fresh Market in the amount of \$2,000,000.00 in compensatory damages.

9. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendant and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for the City of Newport News, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant THE FRESH MARKET, INC. respectfully requests that this case proceed before this Court as an action properly removed.

/s/  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this 10th date of December, 2020, to

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*Counsel for Plaintiff*

/s/  
\_\_\_\_\_  
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